

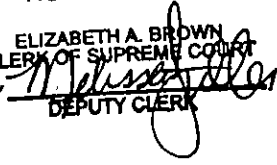
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MILTON DAVID PLUMMER,
Appellant,
vs.
THE STATE OF NEVADA AND
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondents.

No. 90155-COA

FILED

NOV 12 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Milton David Plummer appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on August 22, 2024. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

In his petition, Plummer claimed that prison officials committed an ex post facto violation by admitting to improperly applying NRS 209.4465(8) to his sentences despite the fact that he committed the offenses prior to the subsection's enactment. Plummer attached to his petition a grievance response from a Nevada Department of Corrections (NDOC) official that stated Plummer was prohibited from receiving statutory credits toward his parole eligibility by NRS 209.4465(8).

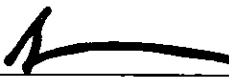
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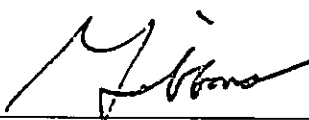
A postconviction habeas petitioner challenging the computation of time served must first exhaust all available administrative remedies. *See* NRS 34.724(1), (2)(c); NRS 34.810(2) (providing “[t]he court *shall dismiss* a petition that challenges the computation of time served . . . without prejudice *if the court determines that the petitioner did not exhaust all available administrative remedies* to resolve such a challenge as required by NRS 34.724” (emphases added)). Although the district court’s order does not resolve whether Plummer had exhausted all available administrative remedies before filing the instant petition, Plummer alleged in his petition that he had exhausted all administrative remedies and attached to his petition his informal, first-level, and second-level grievances for statutory credits. *See Abarra v. State*, 131 Nev. 20, 22, n.1, 342 P.3d 994, 995 n.1 (2015) (“The prison’s grievance process requires an inmate to first file an informal grievance, followed by first- and second-level formal grievances.”); *see generally* NDOC AR 740. Because Plummer’s allegation that he had exhausted all administrative remedies is supported by the record, we conclude the district court properly considered the merits of Plummer’s postconviction habeas petition challenging the computation of time served.

The district court conducted an evidentiary hearing on Plummer’s petition where the attorney general presented evidence regarding the application of statutory credits to Plummer’s sentence. The district court found that, contrary to the representation made in the grievance response, the NDOC was not applying NRS 209.4465(8) to Plummer’s sentences. This finding is supported by the record. Therefore,

we conclude the district court did not err by denying Plummer's petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Jim C. Shirley, District Judge
Milton David Plummer
Attorney General/Carson City
Attorney General/Las Vegas
Pershing County District Attorney
Clerk of the Court/Court Administrator

¹Insofar as Plummer raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.